

## UNITED STATES DISTRICT COURT

for the  
Southern District of Ohio

MICHAEL J. FUGATE,

*Plaintiff*

v.

COMMISSIONER OF SOCIAL SECURITY,

*Defendant*

Civil Action No. 3:11cv390

## JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the plaintiff (*name*) \_\_\_\_\_ recover from the  
defendant (*name*) \_\_\_\_\_ the amount of  
\_\_\_\_\_ dollars (\$ \_\_\_\_\_), which includes prejudgment  
interest at the rate of \_\_\_\_\_ %, plus postjudgment interest at the rate of \_\_\_\_\_ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) \_\_\_\_\_  
\_\_\_\_\_ recover costs from the plaintiff (*name*) \_\_\_\_\_

☒ other: JUDGMENT TO BE ENTERED IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT COMMISSIONER,  
REVERSING COMMISSIONER'S DECISION THAT PLAINTIFF WAS NOT DISABLED AND, THEREFORE, NOT ENTITLED  
UNDER THE SOCIAL SECURITY ACT, AND REMANDING THE CAPTIONED CAUSE TO THE DEFENDANT COMMIS-  
SIONER FOR AN IMMEDIATE AWARD OF BENEFITS, CONSISTENT WITH THE SOCIAL SECURITY ACT

This action was (*check one*):

☐ tried by a jury with Judge \_\_\_\_\_ presiding, and the jury has  
rendered a verdict.

☐ tried by Judge \_\_\_\_\_ without a jury and the above decision  
was reached.

☒ decided by Judge Walter H. Rice on a motion for

Order for Report and RecommendationsDate: 03/20/2013

CLERK OF COURT

s/P. Butler

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
Western DIVISION

<u>MICHAEL J. FUGATE,</u>	:	
<i>Plaintiff</i>	:	
vs	:	Case Number: 3:11cv390
<u>COMMISSIONER OF SOCIAL SECURITY</u>	:	
<i>Defendant</i>	:	

NOTICE OF DISPOSAL PER SOUTHERN DISTRICT OF OHIO LOCAL RULES  
79.2(a)&(b)

The above captioned matter has been terminated on 03/20/2013.

If applicable to this case, the disposal date will be six (6) months from the above termination date.

Rule 79.2(a) Withdrawal by Counsel:

All depositions, exhibits or other materials filed in an action or offered in evidence shall not be considered part of the pleadings in the action, and unless otherwise ordered by the Court, shall be withdrawn by counsel without further Order within six (6) months after final termination of the action.

Rule 79.2 (b) Disposal by the Clerk

All depositions, exhibits or other materials not withdrawn by counsel shall be disposed of by the Clerk as waste at the expiration of the withdrawal period.

JOHN P. HEHMAN, CLERK

By: s/P. Butler  
Deputy Clerk